



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shearer et al.

Art Unit: 1644

Application No. 09/936,537

Filed: September 13, 2001

For: INDUCTION OF ANTIGEN-SPECIFIC
UNRESPONSIVENESS BY GLIOBLASTOMA
CULTURE SUPERNATANTS (GCS)

Examiner: M. Belyavskyi

Date: December 31, 2002

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231CERTIFICATE OF MAILING

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Agent for Applicants**RECEIVED**

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REPLY TO RESTRICTION REQUIREMENT

This reply is filed in response to the restriction requirement dated December 2, 2002. A one-month period for response was set, making the reply due by January 2, 2003.

Applicants provisionally elect Group I (claims 1-17, 25 and 28) and the following species, with traverse: multiple sclerosis (claim 11), myelin basic protein (claim 12), monocytes (claim 13), SNB 19 (claim 17) and intravenous administration (claim 25). However, Applicants note that this election of a single species only applies if no generic claim is finally held to be allowable.

Remarks

The Examiner has restricted the pending claims into eight groups. However, the Office action applied the incorrect standard for restriction to the present § 371 U.S. national stage application. Reconsideration of the restriction requirement is requested.

The Examiner has asserted a restriction requirement under the U.S. restriction requirement standards as set forth in 35 U.S.C. § 121. However, the unity of invention standard should be applied to a § 371 national stage application of a PCT application, such as the present